

Senate Bill No. 818

CHAPTER 567

An act to amend Sections 112875, 112876, 112891, and 112895 of, to amend and repeal Section 112877 of, and to add Sections 112876.5, 112880, and 112894 to, the Health and Safety Code, and to amend Section 1 of Chapter 694 of the Statutes of 2008, relating to food.

[Approved by Governor October 7, 2011. Filed with
Secretary of State October 7, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

SB 818, Wolk. Food labeling: olive oil.

Existing law requires the State Department of Public Health to enforce various provisions of existing law regarding the manufacture, blending, production, and sale of olive oil. Existing law makes the violation of these provisions a crime. Existing law defines olive oil to mean the edible oil obtained solely from the fruit of the olive tree to the exclusion of oils obtained using solvents or reesterification processes and of any mixture with oils derived of other kinds except in the making of flavored olive oil. Existing law also defines olive oil grades and provides that olive oil grades are to be in a specified order.

This bill would revise the definitions of olive oil and grades of olive oil and olive-pomace oil, as specified. It would require lampante virgin olive oil and crude olive-pomace oil to be refined before consumption. By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 112875 of the Health and Safety Code is amended to read:

112875. "Olive oil," as used in this chapter means the edible oil obtained solely from the fruit of the olive tree (*Olea europea* L.) to the exclusion of oils obtained using solvents or reesterification processes and of any mixture with oils of other kinds except in the making of flavored olive oil, as defined in Section 112878.

SEC. 2. Section 112876 of the Health and Safety Code is amended to read:

112876. The hierarchy for virgin olive oil grades shall be, from highest to lowest, extra-virgin olive oil, virgin olive oil, and virgin olive oil not fit for human consumption, sometimes known as lampante virgin olive oil, which shall be the lowest level of quality among the virgin olive oils. In terms of hierarchy, olive oil and refined olive oil shall fall below the virgin olive oil category. Olive oil grades shall be in the following categories:

- (a) Virgin olive oils.
 - (1) Extra virgin olive oil.
 - (2) Virgin olive oil.
 - (3) Virgin olive oil not fit for human consumption without further processing, sometimes known as lampante virgin olive oil.
- (b) Olive oil.
- (c) Refined olive oil.

SEC. 3. Section 112876.5 is added to the Health and Safety Code, to read:

112876.5. The hierarchy for olive-pomace oil grades shall be, from highest to lowest, olive-pomace oil, refined olive-pomace oil, and crude olive-pomace oil, which is the lowest level of quality among the olive-pomace oils. Olive-pomace oil grades shall be in the following categories:

- (a) Olive-pomace oil.
- (b) Refined olive-pomace oil.
- (c) Crude olive-pomace oil.

SEC. 4. Section 112877 of the Health and Safety Code, as amended by Section 120 of Chapter 140 of the Statutes of 2009, is repealed.

SEC. 5. Section 112877 of the Health and Safety Code, as amended by Section 121 of Chapter 140 of the Statutes of 2009, is amended to read:

112877. Olive oil grades are defined as follows:

(a) “Virgin olive oils” are the oils obtained from the fruit of the olive tree solely by mechanical or other physical means under conditions, including thermal conditions, that do not lead to alterations in the oil, and that have not undergone any treatment other than washing, decanting, centrifuging, and filtration. Virgin olive oils without further processing include:

(1) “Extra virgin olive oil” is virgin olive oil that has excellent flavor and odor expressed as a median of defects equal to zero and a median of fruitiness greater than zero, has a free fatty acid content, expressed as oleic acid, of not more than 0.8 grams per 100 grams oil, has a peroxide value of not more than 20 milliequivalent peroxide oxygen per kilogram oil and meets the additional requirements for “United States Extra Virgin Olive Oil” outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010.

(2) “Virgin olive oil” is virgin olive oil that has reasonably good flavor and odor expressed as a median of defects between zero and 2.5 and a median of fruitiness greater than zero, has a free fatty acid content, expressed as

oleic acid, of not more than 2 grams per 100 grams oil, has a peroxide value of not more than 20 milliequivalent peroxide oxygen per kilogram oil, and meets the additional requirements for “United States Virgin Olive Oil” outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010.

(3) “Virgin olive oil not fit for human consumption without further processing,” sometimes known as “lampante virgin olive oil,” is virgin olive oil which has poor flavor and odor expressed as a median of defects between 2.5 and 6.0 or when the median of defects is less than or equal to 2.5 and the median of fruitiness is zero, has a free fatty acid content, expressed as oleic acid, of more than 2 grams per 100 grams, and meets the additional requirements of the “United States Virgin Olive Oil Not Fit For Human Consumption Without Further Processing” as outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010. This grade of olive oil is intended for refining or for purposes other than food use.

(b) “Olive oil” is the oil consisting of a blend of refined olive oil and virgin olive oils fit for consumption without further processing. It has a free fatty acid content, expressed as oleic acid, of not more than 1 gram per 100 grams oil and meets the additional requirements for “United States Olive Oil” described in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010.

(c) “Refined olive oil” is the olive oil obtained from virgin olive oils by refining methods that do not lead to alterations in the initial glyceridic structure (basic glycerin-fatty acid content). It has a free fatty acid content, expressed as oleic acid, of not more than 0.3 grams per 100 grams oil, and meets the additional requirements for “United States Refined Olive Oil” described in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010.

(d) “Olive-pomace oil” is oil obtained by treating olive pomace, which is the product that remains after the mechanical extraction of olive oil, with solvents or other physical treatments, to the exclusion of oils obtained by synthetic processes and a mixture with oils of other kinds. Olive-pomace oils shall be labeled and marketed with the following designations and definitions:

(1) “Olive-pomace oil” is the oil comprising the blend of refined olive-pomace oil and virgin olive oils fit for consumption without further processing. It has a free fatty acid content, expressed as oleic acid, of not more than 1 gram per 100 grams oil, and meets the additional requirements for “United States Olive-Pomace Oil” outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010.

(2) “Refined olive-pomace oil” is the oil obtained from crude olive-pomace oil by refining methods that do not lead to alterations in the

initial glyceridic structure. It has a free fatty acid content, expressed as oleic acid, of not more than 0.3 grams per 100 grams oil, and meets the additional requirements for “United States Refined Olive-Pomace Oil” outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil Published in the Federal Register that are in effect on October 25, 2010.

(3) “Crude olive-pomace oil” is olive-pomace oil that is intended for refining for use for human consumption or that is intended for technical use and that meets the requirements for “United States Crude Olive-Pomace Oil” outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010.

SEC. 6. Section 112880 is added to the Health and Safety Code, to read: 112880. For purposes this chapter, the following definitions shall apply:

(a) “Median of defects” means a calculation of the median score from a panel of tasters that characterizes the negative flavor and odor attributes of virgin olive oil, such as, but not limited to, musty, fusty, winey-vinegary, muddy-sediment, and rancid.

(b) “Median of fruitiness” means a calculation of the median score from a panel of tasters that characterizes virgin olive oil produced from olives, such as, but not limited to, olive, apple, green, sweet, grass, nutty, and tomato.

(c) “Panel of tasters” means the method of analyzing organoleptic characteristics of virgin olive oil, as defined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that are in effect on October 25, 2010.

SEC. 7. Section 112891 of the Health and Safety Code is amended to read:

112891. Any olive oil and olive-pomace oil labeled for sale shall be consistent with this chapter.

SEC. 8. Section 112894 is added to the Health and Safety Code, to read:

112894. Virgin olive oil not fit for human consumption, sometimes known as lampante virgin olive oil, shall be refined before consumption.

SEC. 9. Section 112895 of the Health and Safety Code is amended to read:

112895. (a) It is unlawful to manufacture, sell, offer for sale, give away, or to possess imitation olive oil in California.

(b) This section does not prohibit the blending of olive oil with other edible oils, if the blend is not labeled as olive oil or imitation olive oil, is clearly labeled as a blended vegetable oil, and if the contents and proportions of the blend are prominently displayed on the container’s label, or if the oil is a flavored olive oil.

(c) Any olive oil produced, processed, sold, offered for sale, given away, or possessed in California, that indicates on its label “California Olive Oil,” or uses words of similar import that indicate that California is the source of the oil, shall be made of oil derived solely from olives grown in California.

(d) Any olive oil produced, processed, sold, offered for sale, given away, or possessed in California, that indicates on its label that it is from an area

that is one of the approved American Viticultural Areas as set forth in Part 9 (commencing with Sec. 9.1) of Title 27 of the Code of Federal Regulations shall be made of oil 75 percent of which is derived solely from olives grown in that approved American Viticultural Area.

(e) Olive-pomace oil shall not be labeled as olive oil.

SEC. 10. Section 1 of Chapter 694 of the Statutes of 2008 is amended to read:

Section 1. The Legislature hereby finds and declares all of the following:

(a) Extra virgin olive oil has been shown by numerous scientific studies to be associated with fighting cardiovascular disease and providing other health benefits.

(b) California grows and processes more than 99 percent of the extra virgin olive oil produced in the United States, and more than 90 percent of California olive oil meets the international standards for top-grade “extra virgin” as established by the International Olive Council.

(c) The quality of California olive oil is comparable to other producers internationally.

(d) It is the intent of the Legislature that California’s definitions of olive oil be consistent with federal standards that have been revised to reflect international standards.

SEC. 11. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.